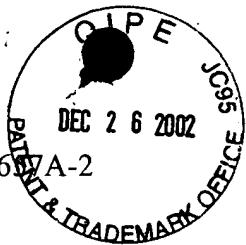


Atty Dkt. No: IFT-565 A-2
BBL No.: 113957-236



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Patent Application Of:

James E. Kipp et al.

For: METHOD FOR PREPARING
SUBMICRON PARTICLE
SUSPENSIONS

Serial No.: 10/021,692

Filed: December 12, 2001

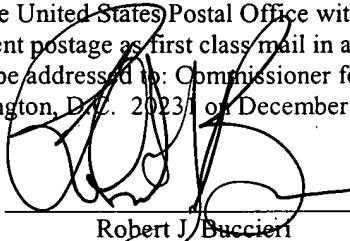
Examiner: Not yet assigned

Art Unit: 1615

Conf. No.: 9772

CERTIFICATE OF MAILING

I hereby certify that this paper is being deposited with the United States Postal Office with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231 on December 20, 2002.


Robert J. Buccieri

PETITION FOR CORRECTION OF FILING RECEIPT UNDER 37 CFR 1.10(c)

Commissioner for Patents
Washington D.C., 20231

BOX DAC

Sir:

Attached is a copy of the official Filing Receipt (Attachment A) received from the PTO in the above application for which issuance of a Corrected Filing Receipt is respectfully requested. There is an error in that the filing date is incorrectly entered, and the filing receipt should read: Filing Date: 12/12/2001.

Applicants initially and timely requested a corrected Filing Receipt via facsimile to the Office of Initial Patent Examination on July 26, 2002. Said request was declined (see copy of Response to Request for Corrected Filing Receipt mailed August 7, 2002, Attachment B), stating that the filing date accorded to the application is the date the application met the filing date requirements of 37 CFR 1.53(b) or (c).

Applicants respectfully submit that the application met the filing date requirements of 37 CFR 1.53(b) on December 12, 2001, as the application was filed with the specification, at least one claim and any drawings on said date. Applicants received and responded to the Notice of Missing Parts by submitting the required filing fee, and an executed Declaration and Power of Attorney. Applicants further responded to the notice of informal application by submitting a

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replacement specification which separated the drawings from within the specification, and by submitting formal drawings.

This data is evidenced by the enclosed copy of the Notice to File Missing Parts – **Filing Date Granted** (Attachment C), evidencing the granted filing date of December 12, 2001. Applicants additionally enclose a copy of the return receipt postcard (Attachment D) showing receipt by the U.S. Patent Office on December 12, 2001, and a copy of the original Filing Receipt dated February 11, 2002 (Attachment E), as well a copy of Express Mail Label EL 831512267US (Attachment F), addressed to the Commissioner for Patents and bearing a “Date in” by the U.S. Postal Service of December 12, 2001.

Accordingly, Applicants respectfully petition the Commissioner under 37 CFR 1.10(c) to accord the present application a filing date of **December 12, 2001**, and requests a corrected and updated Filing Receipt be mailed to the indicated correspondence address.

Applicants hereby declare all statements made herein of their own knowledge are true and all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the Application or any patent issued thereon.

Applicants do not believe any fee is due in connection with this Petition. However, the Commissioner is hereby authorized to charge payment of any fees associated with this communication to Deposit Account No. 02-1818. A duplicate copy of this sheet is attached.

Respectfully submitted,
BELL, BOYD & LLOYD LLC

Date: December 20, 2002

BY Joseph A. Fuchs
Joseph A. Fuchs, Reg. No. 34,604
Attorney for Applicants
P.O. Box 1135
Chicago, Illinois 60690-1135
Phone: (312) 807-4335

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JAN 13 2003
OFFICE OF PETITIONS

DEC 26 2002

TRANSMITTAL LETTER
(General - Patent Pending)

Docket No.
IFT-5657A-2

In Re Application Of: James E. Kipp et al.

Serial No.
10/021,692

Filing Date
December 12, 2002

Examiner
Not yet assigned

Group Art Unit
1615

Title: METHOD FOR PREPARING SUBMICRON PARTICLE SUSPENSIONS

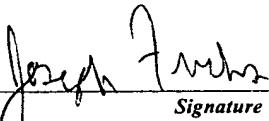
TO THE ASSISTANT COMMISSIONER FOR PATENTS:

Transmitted herewith is:

Petition for Correction of Filing Receipt Under 37 CFR 1.10(c) (2 pgs. plus attachments as follows: Attachment A - copy of official Filing Receipt; Attachment B - copy of Response to Request for Corrected Filing Receipt mailed August 7, 2002; Attachment C - copy of Notice to File Missing Parts - Filing Date Granted; Attachment D - copy of return receipt postcard; Attachment E - copy of original filing receipt; Attachment F - copy of Express Mail Label EL831512267US); Return Receipt Postcard.

in the above identified application.

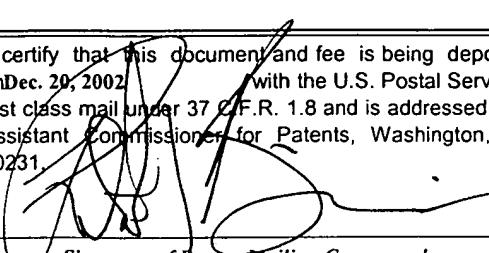
No additional fee is required.
 A check in the amount of _____ is attached.
 The Assistant Commissioner is hereby authorized to charge and credit Deposit Account No. 02-1818 as described below. A duplicate copy of this sheet is enclosed.
 Charge the amount of _____
 Credit any overpayment.
 Charge any additional fee required.


Signature

Joseph A. Fuchs, Reg. No. 34,604
BELL, BOYD & LLOYD LLC
P.O. Box 1135
Chicago, IL 60690-1135
Tel: (312) 807-4335

Dated: December 20, 2002

I certify that this document and fee is being deposited on Dec. 20, 2002 with the U.S. Postal Service as first class mail under 37 C.F.R. 1.8 and is addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.


Signature of Person Mailing Correspondence

Robert J. Buccieri

Typed or Printed Name of Person Mailing Correspondence

CC:

EXH A

Page 1 of 2



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	DRAWNGS	TOT CLAIMS	IND CLAIMS
10/021,692	05/30/2002 12/12/2001	1615	2982	IDD 5657 CIP3	12	128	5

CONFIRMATION NO. 9772

UPDATED FILING RECEIPT



OC00000008258901

Wallenstein & Wagner, Ltd.
311 S. Wacker Drive, 53rd Floor
Chicago, IL 60606-6630

Mark J. Bonnauite, Esq.
Baxter International Inc.
Law Dept.
One Baxter Parkway, DF2-2E
Deerfield, IL 60015

Date Mailed: 06/10/2002

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s)

James E. Kipp, Wauconda, IL;
Joseph Chung Tak Wong, Gurnee, IL;
Mark J. Doty, Grayslake, IL;
Jane Werling, Arlington Heights, IL;
Christine L. Rebeck, Algonquin, IL;
Sean Brynjelsen, Lake in the Hills, IL;

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BELL, BOYD & LLOYD
INTELLECTUAL PROPERTY DOCKET

JUL 01 2002

ATTY: JAF
DOCKET #: 113957-236

Domestic Priority data as claimed by applicant

THIS APPLICATION IS A CIP OF 09/953,979 09/17/2001
WHICH IS A CIP OF 09/874,637 06/05/2001
WHICH CLAIMS BENEFIT OF 60/258,160 12/22/2000

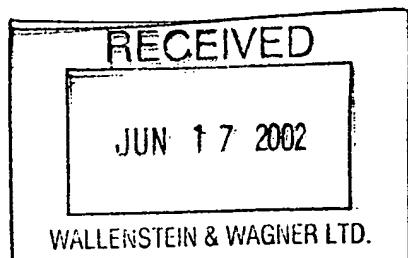
Foreign Applications

If Required, Foreign Filing License Granted 02/08/2002

Projected Publication Date: 09/19/2002

Non-Publication Request: No

Early Publication Request: No





UNITED STATES PATENT AND TRADEMARK OFFICE

EXH. B

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, DC 20231
www.uspto.gov

APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
10/021,692	05/30/2002	James E. Kipp	JDD 5657 CIP3 IFT A-2

BAXTER - DEERFIELD

CONFIRMATION NO. 9772

MARK J. BUONAIUTO, ESQ. AUG 12 2002
BAXTER INTERNATIONAL INC. *OC000000008587378*
LAW DEPARTMENT MEDICATION DELIVERY
ONE BAXTER PARKWAY, DF2-2E PATENTS
DEERFIELD, IL 60015

Date Mailed: 08/07/2002

RESPONSE TO REQUEST FOR CORRECTED FILING RECEIPT

Application Filing Date

In response to your request for a corrected Filing Receipt, the Office can not comply with your request because:

- If your application was submitted under 37 CFR 1.10, your filing date should be the "date in" found on the Express Mail label. If there is a discrepancy, a petition to accord a filing date should be submitted along with a copy of the Express Mail label showing the "date in" and be directed to the Office of Petitions.
- A copy of the Express Mail label was not enclosed with your request. Petitions under 37 CFR 1.10 require a copy of the Express Mail Label to be submitted.
- The "date in" on the Express Mail label is the date given on the Filing Receipt.
- The filing date accorded to the application is the date the application met the filing date requirements of 37 CFR 1.53(b) or (c).

Applications submitted with a certificate of mailing under 37 CFR 1.8 are accorded a filing date as of the date the application is received in the U.S. Patent and Trademark Office. A request to review the filing date accorded to the application must be in the form of a petition.

The filing date on your return postcard is the same as the date on your Filing Receipt. A request to review the filing date accorded to the application must be in the form of a petition.

h
8/12

A petition under 37 CFR 1.10, 37 CFR 1.53 or 37 CFR 1.182 is needed to request a change to the filing date. A \$130 petition fee is required for a petition under 1.53 or 1.182. If you choose to file a petition, the petition and the \$130 petition fee, if any, to:

Box DAC
Commissioner for Patents
Washington, DC 20231

Nancy Kerecias
Nancy Kerecias
Customer Service Center
Initial Patent Examination Division
(703) 308-1202



UNITED STATES PATENT AND TRADEMARK OFFICE

EXH.C
 COMMISSIONER FOR PATENTS
 UNITED STATES PATENT AND TRADEMARK OFFICE
 WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/021,692	12/12/2001	James E. Kipp	IDD 5657 CIP3

Wallenstein & Wagner, Ltd.
 311 S. Wacker Drive, 53rd Floor
 Chicago, IL 60606-6630

TO DOCKETING

CONFIRMATION NO. 9772

FORMALITIES LETTER



OC000000007452091

Date Mailed: 02/11/2002

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

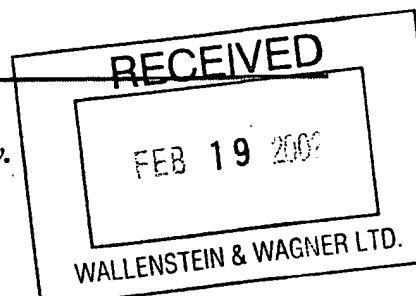
- The statutory basic filing fee is missing.
Applicant must submit \$ 740 to complete the basic filing fee for a non-small entity. If appropriate, applicant may make a written assertion of entitlement to small entity status and pay the small entity filing fee (37 CFR 1.27).
- Total additional claim fee(s) for this application is \$2112.
 - \$1944 for 108 total claims over 20.
 - \$168 for 2 independent claims over 3 .
- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(l) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 2982.**

The application is informal since it does not comply with the regulations for the reason(s) indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- The specification contains drawings or flow diagrams (37 CFR 1.58(a)). Formal drawings in accordance with 37 CFR 1.81 should be submitted.

*A copy of this notice **MUST** be returned with the reply.*



Haimanot Tegbamu

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 1 - ATTORNEY/APPLICANT COPY



Ex. D

In re Patent Application

Kipp et al.

METHOD FOR PREPARING SUBMICRON PARTICLES

Non-publication requested: No

PATENT

Atty Dkt No. 1417Y P 686

JAF/lg

December 12, 2001

RECEIVED

Enclosures:

1. Application Transmittal Letter (2 pgs);
2. Specification (49 pgs);
3. Unsigned Declaration and Power of Attorney (4 pgs);
4. Foscarnet Return Receipt requested.

JAN 2 2002

WALLENSTEIN & WHALEY J1046 U.S. PTO
10/021692



12/12/01

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/136594.1

Express Mail Label No. EL831512267US Mail Date: December 12, 2001

✓



UNITED STATES PATENT AND TRADEMARK OFFICE

EXH. E
COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	DRAWINGS	TOT CLAIMS	IND CLAIMS
10/021,692	12/12/2001	1615	0.00	IDD 5657 CIP3		128	5

CONFIRMATION NO. 9772

FILING RECEIPT



OC00000007452090

Wallenstein & Wagner, Ltd.
311 S. Wacker Drive, 53rd Floor
Chicago, IL 60606-6630

Date Mailed: 02/11/2002

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Customer Service Center. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s)

James E. Kipp, Wauconda, IL;
Joseph Chung Tak Wong, Gurnee, IL;
Mark J. Doty, Grayslake, IL;
Jane Werling, Arlington Heights, IL;
Christine L. Rebeck, Algonquin, IL;
Sean Brynjelsen, Lake in the Hills, IL;

Domestic Priority data as claimed by applicant

THIS APPLICATION IS A CIP OF 09/953,979 09/17/2001
WHICH IS A CIP OF 09/874,637 06/05/2001
WHICH CLAIMS BENEFIT OF 60/258,160 12/22/2000

Foreign Applications

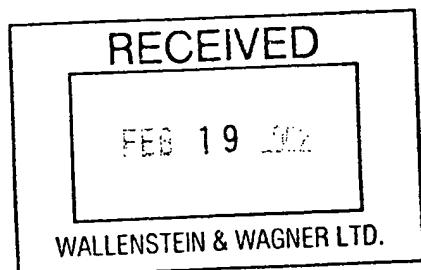
If Required, Foreign Filing License Granted 02/08/2002

Projected Publication Date: To Be Determined - pending completion of Missing Parts

Non-Publication Request: No

Early Publication Request: No

Title



Exh. F



In re Patent Application

Kipp et al.

METHOD FOR PREPARING SUBMICRON PARTICLE SUSPENSIONS

Non-publication requested: No

PATENT

Atty Dkt No. 1417Y P 686

JAF/jlg

December 12, 2001

Enclosures:

1. Application Transmittal Letter (2 pgs);
2. Specification (49 pgs);
3. Unexecuted Declaration and Power of Attorney (4 pgs);
4. Postcard: Return receipt requested.--

RECEIVED: _____

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/136594.1

Express Mail Label No. EL831512267US Mail Date: December 12, 2001

EL831512267US

 EXPRESS MAIL <small>UNITED STATES POSTAL SERVICE®</small>		POST OFFICE TO ADDRESSEE		Barcode: EL 831512267 US
ORIGIN (POSTAL USE ONLY)				SEE REVERSE SIDE FOR SERVICE GUARANTEE AND LIMITS ON INSURANCE COVERAGE
PO ZIP Code 60607	Day of Delivery <input checked="" type="checkbox"/> Next <input type="checkbox"/> Second	Flat Rate Envelope <input type="checkbox"/>		WAI VER OF SIGNATURE (Domestic Only) Additional merchandise insurance is void if waiver of signature is requested. I wish delivery to be made without obtaining signature of addressee or addressee's agent if delivery employee judges that article can be left in secure location and if delivery employee certifies value up to point of delivery.
Date In 12/20/01	Time In 6:09 AM	Postage <input type="checkbox"/> 12 Noon <input checked="" type="checkbox"/> 3 PM	Return Receipt Fee \$ 16.25	
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No Delivery <input type="checkbox"/> Weekend <input type="checkbox"/> Holiday	Acceptance Clock Initials JAF	Total Postage & Fees \$ 16.25	NO DELIVERY <input type="checkbox"/> Weekend <input type="checkbox"/> Holiday <input type="checkbox"/> Customer Signature	
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METHOD OF PAYMENT: Express Mail Corporate Acct. No.		TO: (PLEASE PRINT) Joseph A. Fuchs, Esq.		
FROM: (PLEASE PRINT) WAGNER, LTD. 311 S WACKER DR STE 5300 CHICAGO IL 60606-6630		PHONE 312 554-3300		
JAF/jlg (1417Y P 686)		COMMISSIONER FOR PATENTS BOX PATENT APPLICATION WASHINGTON DC 20231-9999		

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Label 11-F August 2000

